



Case Number **ZC-19-025**

ZONING AMENDMENT STAFF REPORT

City Council Meeting Date:
March 5, 2019

Council District ALL

Zoning Commission Recommendation:

Approval by a vote of 9-0

Opposition: None

Support: None

Continued	Yes ___ No <u>X</u>
Case Manager	<u>Jocelyn Murphy</u>
Surplus	Yes ___ No <u>X</u>
Council Initiated	Yes ___ No <u>X</u>

Owner / Applicant: City of Fort Worth Planning and Development Department

Site Location: Citywide Mapsco: N/A

Proposed Change: An Ordinance amending the Comprehensive Zoning Ordinance of the City of Fort Worth, being Ordinance No. 21653, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (2015), by amending:

- Article 10 "Industrial Districts" of Chapter 4, "District Regulations", Section 4.1000, "Light Industrial ("I") District" to increase the Maximum Height Allowed and Delete the Maximum Horsepower Requirement; and
- Amend Article 3, "Landscaping, Buffers and Urban Forestry" of Chapter 6, "Development Standards," Section 6.300 "Bufferyard and Supplemental Building Setback" to Provide Regulations when Light, Medium, and Heavy Industrial Districts are Adjacent to One and Two-Family Residential Districts

To review the proposed amendments: <http://fortworthtexas.gov/zoning/cases/>

Request: TEXT AMENDMENT: INDUSTRIAL HEIGHT AND BUFFERS TO ONE AND TWO FAMILY DISTRICTS

Background:

Staff is proposing a Zoning Ordinance text amendment to increase maximum height in I Light Industrial zoning and to improve buffer standards for Light, Medium and Heavy Industrial zoning adjacent to A One Family or B Two Family districts.

The City's Economic Development Strategic Plan encourages the expansion of industrial uses for job growth and increased tax base. Current height and horsepower limits in I Light Industrial zoning do not reflect current technology used in operating certain industrial and warehouse uses. In addition, the City Council has recently approved large industrial zoning districts with PD Planned Development zoning in order to add standards to protect adjacent single family residential districts. This amendment would provide these protections citywide so that industrial development can compatibly occur next to A and B districts.

The proposed amendment would:

1. Increase maximum building height in I Light Industrial from 45 feet to 55 feet;
2. Delete 50 horsepower maximum in I Light industrial;

3. Provide buffer standards when I, J, and K industrial districts are adjacent to A and B districts:
 - a. Bufferyard expands from 5 feet to 20 feet to create a vegetated screen, except when the industrial lot is 500 feet or less in depth;
 - b. Storage or dumpsters screened if visible from A or B zoned property;
 - c. Exterior portions and/or facades of buildings use earth tone colors;
 - d. Exterior entrances adjacent to and facing an A or B district shall consist of storefront glass, canopies and architectural features;
 - e. Any outdoor lighting adjacent to an A or B district shall not trespass onto the residential property and light fixtures shall not exceed 20 ft. in height; and
 - f. No illuminated signage shall face an A or B district.

Attachments:

Proposed Ordinance Amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 21653, AS AMENDED, CODIFIED AS APPENDIX “A” OF THE CODE OF THE CITY OF FORT WORTH (2015), TO AMEND ARTICLE 10 “INDUSTRIAL DISTRICTS” OF CHAPTER 4, “DISTRICT REGULATIONS”, SECTION 4.1000, “LIGHT INDUSTRIAL (“T”) DISTRICT” TO INCREASE THE MAXIMUM HEIGHT ALLOWED AND DELETE THE MAXIMUM HORSEPOWER REQUIREMENT, AND AMEND ARTICLE 3, “LANDSCAPING, BUFFERS AND URBAN FORESTRY” OF CHAPTER 6, “DEVELOPMENT STANDARDS,” SECTION 6.300 “BUFFERYARD AND SUPPLEMENTAL BUILDING SETBACK” TO PROVIDE REGULATIONS WHEN LIGHT, MEDIUM, AND HEAVY INDUSTRIAL DISTRICTS ARE ADJACENT TO ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 12, 2017, the City Council accepted the Fort Worth Economic Development Strategic Plan (Plan) aimed at enhancing the City’s status in the region and nation; and

WHEREAS, the Plan included four specific outcomes, one of which is to provide for a more sustainable tax base, driven less by residential property valuation and more by commercial and industrial investment and to increase job growth; and

WHEREAS, in implementing the Plan and encouraging industrial expansion, it has been determined that the current height limit in the “T” Light Industrial District of 45 feet is not adequate to satisfy the market demand for building size, often requiring property owners/applicants to rezone to a more intensive zoning district that allows more height or to create a Planned Development “PD” District; and

WHEREAS, to better implement the Plan and reduce incompatibilities between residential and industrial uses, greater buffer standards are required to more adequately protect One- and Two-Family residential districts that are located adjacent to Light (“I”), Medium (“J”) and Heavy (“K”) industrial districts; and

WHEREAS, staff is recommending amendments to the Zoning Ordinance to provide for regulations which would enable industrial districts to coexist with One- and Two-Family districts by reducing the activity and intensity in proximity to the residential area; and providing a greater landscaped separation between the activity; and

WHEREAS, current technology used in operating certain industrial uses has rendered the regulation related to the maximum 50 horsepower allowed in “I” Light Industrial district is no longer necessary and staff is recommended it’s removal; and

WHEREAS, the Zoning Commission recommends approval of the amendments to the Zoning Ordinance to aid in the further of the Plan while providing additional protections to residential districts adjacent to industrial districts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS AS FOLLOWS:

SECTION 1.

Chapter 4 “District Regulations”, Article 10 “Industrial Districts”, Section 4.1000 “Light Industrial “I” District”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise subsection (c), to increase the maximum height allowed from 45 feet to 55 feet and to revise subsection (d) to delete the language in item 4 and remove the maximum horsepower limitation, to read as follows:

SEC. 4.1000 LIGHT INDUSTRIAL (“T”) DISTRICT.

...

- (c) *Property development standards.* The minimum dimension of lots and yards and the height of buildings in the Light Industrial (“T”) district, shall be as shown as below.

4.1000 Light Industrial (“T”) District	
Height	3 stories or 45— <u>55</u> feet maximum provided, however, stealth telecommunication towers are permitted to a height of 75 feet. The urban design commission must approve the design of all stealth telecommunication towers. Telecommunication towers are permitted to a height of 75 feet

- (d) *Other development standards.* Development in the Light Industrial (“T”) district may be subject to a variety of general development standards, including, but not limited to the following:

...

- ~~(4) *Maximum horsepower.* No use in the “T” district shall employ machines that exceed 50 horsepower. Line compressors shall be exempt from this limitation.~~

SECTION 2.

Chapter 6 “Development Standards”, Article 3 “Landscaping, Buffers and Urban Forestry, Section 6.300 “Bufferyard and Supplemental Building Setback” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth hereby amends subsection (c)(1) to revise the Area requirements table to revise the building setback required and incorporate a reference to subsection (k) and to move the existing language in subsection (k) regarding exemptions and exceptions to

newly added subsection (l) and replace with new language to provide regulations for Industrial

Districts when adjacent to One- And Two-Family Districts, to read as follows:

SEC. 6.300 BUFFERYARD AND SUPPLEMENTAL BUILDING SETBACK.

(c) (1) a. Area requirements

District	Building Setback	Bufferyard Width
"I"***	50 feet	5 feet
"J"***	50 feet*	5 feet
"K"***	50 feet*	5 feet

* Plus ~~five~~ 5 feet for each additional story above ~~three~~ 3 stories in height

** 45 degree transitional height plane applies above 45 feet or 3 stories, whichever is less. See Figure 6.1 and Figure 6.2, and explanatory language below.

*** Refer to Section 6.300 (k) when adjacent to One- or Two- Family zoning districts

(k) The below additional standards apply in "I" Light Industrial, "J" Medium Industrial and "K" Heavy Industrial when adjacent to One-Family or Two-Family Districts as measured at the property line. The standards shall not apply when the Industrial Districts and One- and Two-Family Districts are separated by a street.

1. Within the required 50 foot supplemental setback and in addition to the required screening fence or wall, a 20 foot landscaped bufferyard shall be installed along the length of the boundary of the One- or Two-Family district to include minimum 2 ½ caliper trees and shrubs in order to provide a vegetated screen. Medium trees shall be planted every 15 feet on center or large trees planted every 30 feet on center. Shrubs that are indicated to grow to a minimum of 8 feet tall shall be planted in between the trees. Activity within this supplemental setback shall comply with 6.300(b). The 20 foot bufferyard will not apply to properties less than 500 feet in depth as measured perpendicular to the primary public street.
2. If visible from One- or Two-family Districts, storage and dumpsters shall be screened from view from the residential property by an 8 foot screening masonry wall surrounding the storage area. If a building is between the storage or dumpster area and the One- or Two-Family district boundary, and the area is not viewable from adjacent the residential uses, no screening wall is required.

3. No truck bays, storage, or commercial truck traffic or circulation is allowed on the side facing One- and Two-family District; only passenger vehicle parking is permitted.
4. Exterior portions and/or facades of buildings must use colors consisting of neutral earth tone; trim and may be a different neutral earth tone color.
5. Exterior entrances shall consist of storefront glass, canopies and masonry articulation or similar architectural features.
6. Any outdoor lighting within 150 feet of a One- or Two-Family District shall not create any ambient light that trespasses onto adjacent residential uses and shall be zero (0) foot candles on the side adjacent to a residential property with appropriate cutoffs installed. Lighting in this area shall not exceed 20 ft. in height including attached wall fixtures.
7. No illuminated signage shall face the One- or Two-Family District.

(1) Exemptions and exceptions.

(1) Remodeling work that does not increase the existing floor area or the restoration of a building that has been involuntarily damaged or destroyed shall be exempt from the supplemental bufferyard and building setback requirements.

(2) When a legal use exists on property and subsequent to establishing such legal use, adjacent property or property across an alley is rezoned to a one- or two-family district, the construction of new buildings and the addition, remodeling, alteration or total restoration due to involuntary destruction of existing buildings on the property are exempt from the requirements of a bufferyard, screening fence and supplemental building setback.

(3) When a residence is converted to a nonresidential use or when an existing nonresidential use expands the building square footage and/or parking area, then the minimum required bufferyard points shall be reduced to 15 points. If a masonry wall is used to satisfy the minimum point requirements, there shall be no bufferyard width requirement.

(4) Nothing herein shall require a bufferyard to be placed on a nonresidential use site where such nonresidential use site is immediately adjacent to a waterway, railroad right-of-way, power transmission or other easement where such right-of-way or easements are at least 50 feet in width, or public street right-of-way at least 300 feet in width.

(5) Any area located within an airport operating area, defined as those areas associated with aircraft movement, shall be exempt from the supplemental bufferyard and supplemental building setback requirements.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are

in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896, 21653 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 9.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 10.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos,
Sr. Assistant City Attorney

Mary J. Kayser,
City Secretary

ADOPTED: _____

EFFECTIVE: _____

- **Disallow brick panels for facades and screening;**
- **Differentiate between regulations for small and large parking structures; and**
- **To amend the use table to add cottage industry and tattoo parlors as allowed uses in the NS-T4 zone**

Sevanne Steiner from Planning & Development was available for questions.

Motion: Following brief discussion, Ms. Miller recommended Approval of the request, seconded by Ms. Trevino. The motion passed unanimously 9-0.

20. ZC-19-025 City of Fort Worth Planning & Development (CD ALL) – Text Amendment: Increase Height in “T” Light Industrial and Create Adjacency Standards for Industrial Districts Next to A and B; Request: An Ordinance amending the Comprehensive Zoning Ordinance of the City of Fort Worth, being Ordinance No. 21653, as amended, codified as Appendix “A” of the Code of The City of Fort Worth (2015), by amending:

- **Article 10 “Industrial Districts” Of Chapter 4, “District Regulations”, Section 4.1000, “Light Industrial (“T”) District” to increase the maximum height allowed and delete the maximum horsepower requirement, and**
- **Amend Article 3, “Landscaping, Buffers and Urban Forestry” Of Chapter 6, “Development Standards,” Section 6.300 “Bufferyard And Supplemental Building Setback” to provide regulations when Light, Medium, and Heavy Industrial Districts are adjacent to One- And Two-Family Residential Districts**

Jocelyn Murphy from Planning & Development explained the reasons for the amendment and the proposed changes.

Motion: Following brief discussion, Mr. McDonnell recommended Approval of the request, seconded by Mr. Aughinbaugh. The motion passed unanimously 9-0.

**Meeting adjourned: 2:40 p.m.
2/13/18**

Dana Burghdoff, Executive Secretary and
Assistant Director, Planning and Development
Department

Will Northern, Chair